

Message Text

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ORIGIN STR-04

INFO OCT-01 EUR-12 ISO-00 STRE-00 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07
INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05
SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01
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FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS

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USEEC

E.O. 11652: N/A

TAGS: ETRD, EC

SUBJECT: EC DIRECTIVE ON STANDARDS OF FILL FOR BEER

CONTAINERS

1. EC COUNCIL DIRECTIVE 75/106/EEC, AS AMENDED, OF 19
DECEMBER 1974 "ON THE APPROXIMATION OF THE LAWS OF THE
MEMBER STATES RELATING TO THE MAKING-UP BY VOLUME OF
CERTAIN PRE-PACKAGED LIQUIDS" WILL PERMIT EC MEMBER STATES
TO EXCLUDE FROM THEIR TRADE U.S. BEER CONTAINERS WITH 10
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OUNCE AND 12 OUNCE FILLS AFTER 1980. U.S. 10 OUNCE AND 12
OUNCE FILL SIZES FALL WITHIN PERMISSIBLE TOLERANCES FOR
.30 LITER AND .35 LITER BEER CONTAINER FILL SIZES,
RESPECTIVELY, WHICH ARE PROVISIONALLY PERMITTED UNDER THE
EC DIRECTIVE UNTIL DECEMBER 31, 1980.

2. THE .35 LITER FILL SIZE (12 OUNCE EQUIVALENT) IS

CURRENTLY THE MOST POPULAR SIZE BEER CONTAINER USED IN WORLD TRADE. THE UNITED STATES PRESENTLY IMPORTS BEER IN .35 LITER FILL CONTAINERS FROM HOLLAND, GERMANY, ITALY, CANADA, JAPAN, AND MANY OTHER COUNTRIES; THE UNITED STATES EXPORTS BEER IN .35 LITER FILL EQUIVALENT CONTAINERS TO MOST COUNTRIES OF THE WORLD, INCLUDING TO SEVERAL EC MEMBER STATES. THE SUBJECT DIRECTIVE WOULD PERMIT EC MEMBER STATES TO PROHIBIT BEER IMPORTS IN THE .35 LITER FILL SIZE AFTER 1980.

3. BECAUSE OF THE RELATIVELY SMALL VOLUME OF U.S. BEER EXPORTS TO THE EC (VALUED AT ABOUT DOLS. 174 THOUSAND F.A.S. IN 1976) IT WILL BE UNECONOMICAL FOR U.S. BREWERS TO CONVERT FROM .35 LITER EQUIVALENT FILL SIZES TO OTHER FILL SIZES THAT EC MEMBER STATES WILL BE OBLIGATED TO ACCEPT AFTER 1980. HOWEVER, BECAUSE OF THE RELATIVELY LARGE VOLUME OF EC BEER EXPORTS TO THE UNITED STATES (VALUED AT DOLS. 88.1 MILLION F.A.S. IN 1976) AND BECAUSE OF THE POPULARITY OF THE .35 LITER EQUIVALENT CONTAINER IN THE UNITED STATES, WE UNDERSTAND THAT THE COMMON MARKET BREWING ASSOCIATION HAS INDICATED THAT EC BEER WILL CONTINUE TO BE EXPORTED TO THE UNITED STATES IN .35 LITER FILL SIZES AFTER 1980.

4. ON JUNE 13, 1977 AN INTERNATIONAL STANDARDS ORGANIZATION (ISO) TECHNICAL LEVEL COMMITTEE (ISO/TC 52/SC 1) ON STANDARDS FOR CARBONATED AND NON-CARBONATED BEVERAGES LIMITED OFFICIAL USE

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ADOPTED, INTER ALIA, AS INTERNATIONAL STANDARDS OF FILL FOR BEER CONTAINERS A 296 MILLILITER SIZE (10 OUNCE EQUIVALENT), A 355 MILLILITER SIZE (12 OUNCE EQUIVALENT SIZE) AND A 473 MILLILITER SIZE (16 OUNCE EQUIVALENT). AS SOON AS THE TECHNICAL COMMITTEE COMPLETES ITS WORK ON FILL STANDARDS FOR NON-CARBONATED BEVERAGES, A DRAFT STANDARDS DIRECTIVE ON FILL SIZES FOR CARBONATED AND NON-CARBONATED BEVERAGES, CONTAINING THE FOREGOING 3 U.S. BEER FILL SIZES, WILL BE CONSIDERED BY ISO MEMBERS. UNLESS SERIOUS QUESTIONS ARE RAISED BY A MAJORITY OF ISO MEMBER STATES, IT IS ANTICIPATED THAT FILL SIZES ADOPTED BY THE TECHNICAL COMMITTEE WILL BE APPROVED BY THE ISO AS INTERNATIONAL FILL STANDARDS.

5. AS THE EC IS AWARE, THE DRAFT GATT CODE OF CONDUCT FOR PREVENTING TECHNICAL BARRIERS TO TRADE IS AN IMPORTANT ELEMENT OF THE MULTILATERAL TRADE NEGOTIATIONS BEING CONDUCTED IN GENEVA. WE ANTICIPATE THAT BOTH THE UNITED STATES AND THE EC WILL BECOME ADHERENTS TO THIS CODE. THE DRAFT STANDARDS CODE WOULD REQUIRE, INTER ALIA, THAT IN CASES WHERE THE COMPLETION OF RELEVANT INTERNATIONAL STANDARDS IS IMMINENT, CODE ADHERENTS SHALL USE THEM,

EXCEPT WHERE INAPPROPRIATE. THE UNITED STATES BELIEVES THAT THE ADOPTION OF THE FOREGOING DRAFT ISO BEER CONTAINER FILL STANDARDS IS IMMINENT AND THAT SUCH STANDARDS ARE APPROPRIATE TO MEET THE NEEDS OF FUTURE STANDARDS CODE ADHERENTS.

6. U.S. BREWERS ARE INTERESTED IN EXPANDING THEIR BEER EXPORTS TO THE EC. HOWEVER, THEY ARE CONCERNED THAT THE EC STANDARDS DIRECTIVE WILL JEOPARDIZE THEIR PRESENT AND FUTURE OPPORTUNITIES TO MARKET BEER IN THE EC BY PERMITTING MEMBER STATES TO EXCLUDE .30 LITER EQUIVALENT AND .35 LITER EQUIVALENT BEER CONTAINERS AFTER 1980. AS A MINIMUM, U.S. BREWERS WISH TO MAINTAIN ASSURED ACCESS TO MEMBER STATES FOR .35 LITER EQUIVALENT BEER CONTAINER.

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7. U.S. BREWERS ASSOCIATION, INC. HAS REGISTERED ITS CONCERNS OVER TRADE IMPLICATIONS OF EC DIRECTIVE WITH AMBASSADOR STRAUSS, THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS.

8. ACTION: REQUEST MISSION TO DELIVER NOTE TO APPROPRIATE EC COMMISSION OFFICIAL EXPRESSING U.S. CONCERNS OVER EC DIRECTIVE AND FORMALLY REQUESTING THAT DIRECTIVE BE MODIFIED SO AS INCLUDE .30 LITER AND .35 LITER CONTAINER FILL SIZES ON LIST OF DEFINITIVELY ACCEPTED SIZES AFTER 1980. MISSION MAY DRAW UPON PRECEDING PARAGRAPHS, AS APPROPRIATE, IN PREPARING NOTE. CHRISTOPHER

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